

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12237 of Richard J. Donohoe and Barney Dreyfuss, trustees, for a special exception to continue the operation of a parking lot under Paragraph 3101.48 in the R-1-B District at rear 1855 Wisconsin Avenue, N.W. (Square 1299, Lot 1009).

HEARING DATE: November 17, 1976
DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The subject property is located at the rear of 1855 Wisconsin Avenue, N.W. and at the time of the Public Hearing of November 17, 1976 was in an R-1-B District.
2. By BZA Order No. 7728 the Board conditionally approved the establishment of the subject parking lot for a period of two years.
3. By BZA Order No. 8367, dated March 15, 1966, the Board conditionally approved the continuance of this parking lot for a period of five years.
4. By BZA Order No. 10707, dated August 17, 1971, the Board approved conditionally the continuance of the subject parking lot for a period fo five years.
5. By ZC Order No. 76-4, dated August 11, 1977, part of the subject property was rezoned from R-1-B to C-1.
6. A parking lot is a used permitted as a matter-of-right in a C-1 District.
7. By BZA Order No. 12237, dated September 16, 1977, the Board DISMISSED AS MOOT the subject application, erroneously stating that the entire lot had been rezoned to C-1.

8. On September 26, 1977 applicant filed a motion for reconsideration on the grounds that the Board had erred, in that the aforementioned August 11, 1977 Order of the ZC zoned only the southern portion of lot 1009 in Square 1299 as C-1, (now designated as Lot 1016) but did not rezone the remaining portion of lot 1009 (now designated as lot 1017). The applicant now seeks approval to continue parking upon the newly designated lot 1017 which is zoned R-1-B.

9. On November 2, 1977 the Board GRANTED the motion for Reconsideration.

10. The Board reaffirms in this application its findings made in the aforementioned BZA Orders Nos. 8367 and 10707.

11. The Department of Transportation, in its report dated August 20, 1976, stated that the subject parking lot is for the patrons and employees of a Boys Club and nearby stores. Approval of the application was conditioned upon the cleaning up of trash and debris.

12. The Municipal Planning Office, by report dated October 15, 1976, recommended approval of the application under the same conditions as specified in the previous BZA Order Nos. 8367 and 10707.

13. Advisory Neighborhood Commission 3-A filed no report in the application.

14. The Citizens Association of Georgetown requested that no extension for the parking lot be granted until the applicant's address was correctly advertised and it had an opportunity to be heard. The Board ruled that the correct address had been advertised.

CONCLUSIONS OF LAW:

The Board is of the opinion that the continuation of the subject parking lot will not create any dangerous or otherwise objectionable traffic conditions, that the present character and future development of the neighborhood will not be adversely affected and that the lot is reasonably necessary and convenient

to other uses in the vicinity. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following conditions:

a. Approval shall be for a period of three (3) years but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

c. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.

d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

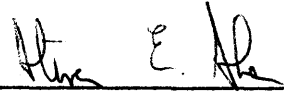
g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures or otherwise permitted in the zoning district in which the parking lot is located.

h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Chloethiel Woodard Smith, Walter B. Lewis, Charles R. Norris, William F. McIntosh and Leonard L. McCants)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

5 JAN 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS
INLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT
IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOP-
MENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE
OF THIS ORDER

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12237 of Richard J. Donohue and Barney Dreyfuss, Trustees, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception to continue the operation of a parking lot under Paragraph 3101.48 in the R-1-B District at the rear of 1855 Wisconsin Avenue, N. W., Lot 1009, Square 1299.

HEARING DATE: November 17, 1976
DECISION DATE: September 7, 1977

O R D E R


Pursuant to Zoning Commission Order No. 76-4 dated August 11, 1977 this property has been rezoned from R-1-B to C-1. A copy of this Order is attached. A parking lot is a use permitted as a matter of right in a C-1 Zone District. It is therefore ORDERED that this application is DISMISSED AS MOOT.

VOTE:

5-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith, Walter B. Lewis, Leonard L. McCants)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


STEVEN E. SHEP
Executive Director

FINAL DATE OF ORDER: 16 SEP 1977

Government of the District of Columbia

ZONING COMMISSION



CASE NUMBER 76-4
ZONING COMMISSION ORDER NO. 164
August 11, 1977

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held beginning on November 18 and continued on November 19, 1976, January 13 and 24, and May 12, 1977. At these hearing sessions the Commission considered an application by Richard J. Donohoe and Barney Dreyfuss, Trustees and Pension Benefit Funds, Inc., for an amendment to the Zoning Map of the District of Columbia.

FINDINGS OF FACT

1. The applicants have requested a Zoning Map change from R-1-B to C-2-A for parts of Lots 318 and 1009 in Square 1299 located at 1855 Wisconsin Avenue, N.W.
2. The purpose of the map amendment is to provide for the replacement and expansion of the existing 27,123 square foot Safeway store located on the portion of the proposed site now zoned C-2-A. A new store of 44,460 square feet would be built at the rear of the proposed site in the area now zoned R-1-B. Parking for 212 cars would be provided in front of the new store. At present, 131 parking spaces are located at the rear of the existing store and 18 parking spaces are leased from the owners of the Page Building.
3. The subject property is located on the east side of Wisconsin Avenue and bordered to the north by the Page Building complex and a Dart Drug store, to the south by the Jelleff's Boy's Club recreational complex, and to the east by Dumbarton Oaks Park. Immediately across Wisconsin Avenue to the west of the subject property are located Gordon Junior High School and some strip commercial development which includes miscellaneous small shops and business facilities.

4. Other development projects expected in the area include the Russian Chancery at Mount Alto on Wisconsin Avenue, a new Holiday Inn on Wisconsin Avenue at Whitehaven Parkway, the French Chancery on Reservoir Road and additions to the Georgetown University Campus south of Reservoir Road.
5. There are adequate city services available to service the proposed redevelopment of the Safeway site.
6. Traffic anticipated to be generated by the new food store can be accommodated by the existing street system.
7. There is a need to retain and expand food marketing facilities to serve the daily needs of the community while at the same time protecting the stability and aesthetic quality of nearby residential areas.
8. If the existing C-2-A and R-1-B areas comprising the proposed Safeway site, with the exception of a small triangular area abutting the rear of the proposed building, are zoned C-1 the resulting permitted building envelope of 137,721 square feet of gross floor area would be adequate to meet the needs of the applicant. The Zoning Map Amendment providing C-2-A for the entire site, as proposed by the applicant, would result in a development potential of 274,000 square feet of gross floor area which is considerably greater than needed to provide for the replacement of the store as contemplated by the applicant.
9. Advisory Neighborhood Commission 3-A has taken the position that the public interest would not be served by approving the expansion of the existing store.
10. The National Capital Planning Commission reported that the Zoning Map Amendment would not have a negative impact on the interests of the Federal establishment as they relate to the Georgetown Historic District, a Category II Landmark of the National Capital listed in the National Register of Historic Places. The Commission further recommended that development be carried out in accordance with a specific site plan and set of building profiles.

CONCLUSIONS OF LAW

1. The requested C-2-A zoning would provide excess development potential which if fully utilized could have an adverse impact on the surrounding residential neighborhood.
2. C-1 zoning of the entire site, except for a small portion at the rear adjacent to the park, would provide sufficient development potential for such a food marketing facility.
3. Development within the C-1 District limitations would not have an adverse impact on the surrounding residential neighborhood, the Federal interest and the Georgetown Historic District, and would be consistent with the existing commercial development along this section of Wisconsin Avenue.
4. This rezoning will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
5. It is beyond the authority of the Zoning Commission to change the Zoning Map contingent upon an applicant satisfying certain conditions which the Zoning Commission might specify.
6. This action is in accordance with the Zoning Act (Act of June 20, 1938, 52 stat. 797), by furthering the general public welfare and serving to stabilize and improve the area.

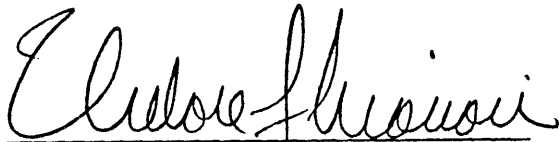
DECISION

In consideration of the Findings and Conclusions herein, the Commission Orders ADOPTION of the following amendments to the Zoning Map:

1. Change from C-2-A to C-1 that part of Lot 318, Square 1299 now zoned C-2-A.
2. Change from R-1-B to C-1 that part of Lot 318, Square 1299 now zoned R-1-B, except for the northwestern part which contains 8,975 square feet and is described as follows: N23° 09' 00" W, 60.20 feet; N56° 02' 00" E 147.54 feet; S31° 16' 00" E, 59.19 feet; and N56° 02' 00" E, 156.05 feet.

3. Change from R-1-B to C-1 the southwestern part of Lot 1009, Square 1299 as follows: S31° 16' 00" E, 230.00 feet; N58° 54' 54" E, 235.16 feet; S31° 05' 06" E, 230.00 feet; and S58° 54' 54" W, 234.43 feet.

Vote of the Commission: 4-1 (Walter B. Lewis, Ruby B. McZier, Theodore F. Mariani and George M. White to GRANT, Richard L. Stanton to DENY).



THEODORE F. MARIANI
Chairperson



STEVEN E. SHER
Executive Director